IN THE HIGH COURT OF JUDICATURE AT JABALPUR M.P.

WRTT PETITION NO. 886 ------of 99.

Petitioner. :::: Ramkumar Keshri, son of
Late Madho Sao Keshri,
aged about 42 years,
Occuption U.D.C. Nagar Panchayat
Ramanujganj Distt: Sarguja M.P.

Versus.

Respondents. ::: 1. The State of M.P.
Through the Secretary,
Local Administration Dept.
Bhopal M.P.

2. Under Secretary,
Local Administration Dept.
M.P. Bhopal .

3. Director,
Town Administration M.P.
Bhopal .

4. Nagar Panchayat,
Ramanujganj through its
Chief Municipal Officer,
Ramanujganj Distt: Sarguja M.P.

Smt. Kamla Verma Oath Commissioner JBP.

WRIT PETITION UNDER ARTICLE 226/227
OF THE CONSTITUTION OF INDIA.

1. Particulars of the petitioner.

As mentioned above.

2. Particulars of the respondents:-

As mentioned above.

contd.....2

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(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 886 of 1999

Petitioner — Ramkumar Keshri

Versus

Respondents — The State of M.P. (now C.G.) & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. K. Prasad, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Upper Division Clerk in Nagar Panchayat Ramanujganj was transferred to Mungeli on the same terms and conditions vide impugned transfer order dated 20.7.1998 (Annexure A/5).
2. This Court vide interim order dated 10.3.1999 directed that if the petitioner was not relieved, the operation of the order should remain stayed.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur